No. T. 1960—*R. T.* 20-39-40, *dated Bangalore, the 8th January* 1940.

In exercise of the powers conferred on them by Section 22 of the Mysore Road Traffic and Taxes Act, VI of 1935, the Government of His Highness the Maharaja are pleased to exempt the Sajjada of Baba Budhan Darga, Chikmagalur, from payment of toll in respect of the three double bullock-carts belonging to the Darga.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary to Government,
Law Department.

No. 3569—*L. C., dated Bangalore, the 6th January* 1940.

In continuation of Notification No. 3364—L. C., dated 18th December 1939, publishing the Report of the Select Committee on the Bill to provide for the better control of the publication of newspapers and other printed works containing public news, the following Note of Dissent by Mr. D. H. Chandrasekharaiya is published for general information.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary,
Mysore Legislative Council.

NOTE OF DISSENT.

The New Press and Newspapers Bill is said to have been introduced by the Government in response to a desire expressed several times by the representatives of the people for a change in the existing law contained in Act No. III of 1908. Under the provisions of this Law the Government are to be first approached for permission to edit, print and publish any newspaper or other printed work. They are vested with absolute authority either to

grant or refuse permission and also to withdraw the permission once granted. Further, whenever any person edits, prints or publishes any newspaper or other printed work without first obtaining permission or after the permission is withdrawn, he can be deported from the State and his Press confiscated. What is worse, the Government are not bound to assign reasons for any of their actions and their decisions are final.

As compared with the Law, which is declared with one voice to be too drastic, the proposed measure seems to be much safer in some respects: First, initial permission need not be obtained hereafter to edit, print or publish any newspaper or other printed work. Secondly, the nature of the offences for which the Government would take action will be clearly defined and made known. Thirdly, the decisions of the Government in certain matters can be contested in the highest Tribunal of the State. Lastly, the punishment by way of deportation will be substituted by the ordinary penal provisions.

I am aware that this new measure is met with severe opposition in certain quarters and especially at the hands of those following the profession of Journalism. Their main contention is that there is no necessity for any Press Law in Mysore. But this view does not, however, answer the obvious question whether a Law more definite in its scope and less arbitrary in its operation cannot at all be preferred to the existing one with all its hard features. It was my hope that the Journalists in the State would accept the measure as a lesser evil and offer practical suggestions to soften its rigour as much as possible. But unfortunately the representatives of the Press who appeared before the Select Committee declined to go beyond the mandate for having no Press Law of any kind.

I do not propose to answer the much-debated question whether any Press Law should exist at all in Mysore for the reason that it does not lie within the scope of the Select Committee's functions. Generally speaking, it would certainly be a very happy state of things to welcome when every one could live free as the air without the intervention of any Law. But taking human nature as it is and the conditions of human relationship existing around us, we cannot help accepting the rule of Law limiting our natural freedom and controlling our actions in various ways in the interest of that very freedom.

Referring to the freedom of the Press, which means the absence of arbitrary official restrictions upon 'the dissemination of news and comments upon news,' none can deny that it is a highly valued public right. But men of experience have urged the view that some measure of control over the Press is indispensable at least in emergencies so as to ensure the common weal. Hence, the real question is what kind of Press control should we have ?

I have taken some pains to study this aspect of the question and I find that the opinion is very sharply divided about it. Apart from the licensing system which is now in force, the other suggestions made in this behalf are (1) the application of Ordinary Law in normal times and the conference method in times of unusual stress, (2) the suspensible declaration method, and (3) the security method. It is not my present purpose to enter into a detailed discussion about the merits of these different methods. The proposed Bill involving the security method is no doubt modelled upon the British Indian Act. But the circumstances under which that Act came into existence and the results of its operation have not been quite encouraging. Besides, it does not seem to be fair to proceed with this controversial measure in the face of the adverse note of the Representative Assembly. I sincerely wish that it were possible to devise a method satisfactory to all parties and that even now action may be taken accordingly.

However, since it is not possible to know what the Government might do in the matter I desire to plead for incorporating at least the following changes in the proposed Bill :—

(1) Security need not be required by the Magistrate when the declaration is made before him for the first time by the keeper of a Press or the publisher of a Newspaper under Sections 4 or 5 as the case may be of the Press and Registration of Books Act, 1867. But when a second declaration is made by any of them after the first is annulled as a result of the noticing of the offences described in clause 4 (1), the Magistrate before whom the declaration is made may require security for reasons to be recorded in writing.

(2) The Government may order deposit of security by the keeper of a Press or the publisher of a Newspaper

under clauses 3 (3) and 7 (3) or the forfeiture of the security under clauses 4 and 8 only after issuing a show-cause notice to the persons concerned.

(3) The maximum amounts of security provided under the several clauses may be reduced to half the amounts proposed by the Select Committee and no minimum level need be compulsorily fixed.

(4) The High Court may be empowered to decide questions connected with all the orders relating to the demand or forfeiture of security.

I conclude this note in the earnest hope that my humble suggestions stated above will receive the kind consideration of all those interested in the liberty of the Press consistent with the practical necessities of the time.

D. H. CHANDRASEKHARAIYA.

No. G. 6291—P. H. 45-39-11, dated Bangalore, 10th January 1940.

Under Section 20 of the Mysore Prevention of Adulteration Act, IX of 1921 as amended from time to time, Government propose to make the rules issued in Notification No. G. 2463—San. 61-30-7, dated 22nd September 1931 annexed hereto, applicable to the Hassan Town Municipality. Any objections to this proposal, if made in writing and received on or before the 1st February 1940, will be duly considered.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

Rules under the Mysore Prevention of Adulteration Act.

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act, IX of 1921.

"Section" means section of the above Act.